IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1058 of 2007()

CRIME NO.236/05 OF PUTHUNAGARAM POLICE STATION

: PETITIONER/ACCUSED

SHAJI P.M, S/O.MOHAMMED, PUHIYAVEETTIL HOUSE, TRICHUR.

BY ADV. SRI.P.K.ANIL

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,PUTHUNAGARAM POLICE STATION, PALAKKAD DISTRICT.

2. STATE REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1058 OF 2007

Dated this the 26th day of February, 2007

O R D E R

Petitioner, who is the 4th accused in Crime No.236/2005 of Puthunagaram Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found in possession of 600 liters of spirit in 20 cans in a Tata Indica car on 4.10.2005, seeks anticipatory bail. His earlier application for anticipatory bail filed as B.A.No.567/07 was dismissed by this court. It is thereafter that the petitioner has again approached this court for anticipatory bail.

2. It is too early to accept the petitioner's contention that he has nothing to do with the contraband spirit seized in this case. This court was once not inclined to grant anticipatory bail to the petitioner. There is no reason why this court should entertain this second application for anticipatory bail. The petitioner can very well surrender before the Investigating Officer for interrogation and then have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 5.3.2007 and 7.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced before the Magistrate

having jurisdiction on the same day. The Magistrate shall consider and dispose of the application for regular bail, if any, filed by the petitioner, preferably on the same day on which it is filed, bearing in mind the decision reported in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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